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May 11, 2005

Nancy Frankel Pelletier
Robinson Donovan, P.C.
1500 Main Street - Suite 1600
Springfield, MA 01115

Robert Ludlum for
John J. Cloherty, III
Pierce, Davis, Perritano, LLP
Ten Winthrop Square
Boston, MA 02110

Regina M. Ryan
for herself and Douglas I. Louison
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67 Batterymarch Street
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Michael Akerson
Andrew J. Gambaccini
for themselves and Austin M. Joyce
Reardon, Joyce & Ackerson, P.C.
397 Grove Street
Worcester, MA 01605

Re: Jean v. City of Asburnham Police Dept., et al.
Docket No. 2003 CV 12306

By fax transmissions

Dear Counsel:

Be advised that it is my intention to seek Rule 11 relief if you file a motion to compel my clients to take depositions at a location one hour away from either of Plaintiffs' Counsel's Offices. I have practiced law thirty five years and never requested such relief; however, in regard to this request I have conferred with some or all of you on no less than five and as many as seven occasions regarding this demand/request on your parts, and on many of these occasions, if not each such occasion I have requested you cite a single legal authority for a demand that is plainly contrary to the express Rules of Court. On each occasion, I have cited the Rules of Court to you, and your failure to cite any precedent to me.


On each occasion you have failed not only to cite any law/precedent, you have failed to state any but two reasons

First Ms. Pelletier has stated the inconvenience for her to travel all the way to Boston from Springfield. However, it is she who determined to take on a case about Ashburnham and Wichendon police brought by Boston-based Counsel. If Plaintiffs were taking these depositions in Worcester, she would still have to travel there, as would no less than four Boston area based attorneys. I have yet to hear a reason why these four attorneys should have to travel several dozen times to convenience two attorneys who would otherwise have to travel the same (or less additional) distance in the opposite direction. Plainly the only reason is to raise the cost for the Plaintiffs of pursuing this case and nothing more.

The only other reasons anyone has stated has been Ms. Ryan's citing on one occasion the cost to the Town of Ashburnham involved in sending five or six of its police officers a greater distance to attend one deposition each; however, since the Ashburnham Defendants are the ones making this latter assertion, and since they are sending three Counsel, one of whom cannot even participate, to every deposition to represent the same people, this suggestion of cost savings appears to be more than disingenuous.

If you have ever stated any other reasons for your demand/request, I have no present memory of them and have not heard them recently. Hence, I request, if you have any other reasons, that you disclose them in advance of filing your motion.

On the other hand, if you file a motion presenting reasons other than ones that you disclosed in five to seven conferences, I respectfully suggest I will consider you to have failed to confer in good faith.

Cordially,

Mark D. Stern

cc. Andrew Fischer; Kenneth and Pamela Jean